IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10177 OF 2004

Hardas B.Waghela .. Petitioner.
Vs.
Sahdeo H.Waghela & Anr. .. Respondents.

None for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 22ND DECEMBER, 2004

P.C.:

. This petition is directed against the order dated 15.10.2004 passed in the Chamber Summons filed by respondent no.2 for her impleadment as party defendant in the suit filed by the petitioner-plaintiff. The trial has allowed the Chamber Summons holding that respondent no.2 is necessary party in the suit. The law is well settled that if the court feels that inspite of opposition of the plaintiff it is necessary to add a person as party defendant and his presence in the suit would help the court to effectively and completely settle the matter in controversy, the court can allow such application under Order 1 Rule 10(2) of the Civil Procedure Code . Keeping that in view and considering the reasons recorded by the

learned Judge, in my opinion, this is not a fit case to exercise extremely limited jurisdiction of this court under Article 227 of the Constitution of India. The petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)